

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

PABLO ARRIAGA-ZACARIAS, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No.
	:	7:08-CV-32(HL)
LEWIS TAYLOR FARMS, INC., et al.,	:	
	:	
Defendants.	:	
	:	

ORDER

Before the Court is Defendants' Emergency Motion to Stay or Extension of Case Schedule (Doc. 66). Defendants move the Court for an extension of time to file a motion for reconsideration of the Court's December 4, 2008, Order (Doc. 63). Defendants also request leave to exceed the page limit for their motion for reconsideration. The basis for Defendants' Motion is an intervening change in the law. After the Court issued its December 4th Order denying Defendants' Motion to Dismiss (Doc. 24) and granting Plaintiffs' Motion for Conditional Certification of a Collective Action (Doc. 19), the Department of Labor issued an administrative interpretation of its own regulations. Defendants contend that the DOL's interpretation draws into question controlling Eleventh Circuit precedent that serves as the basis for part of Plaintiffs' FLSA claim.

After consideration of Defendants' Motion, the Court finds that there is good

cause for granting the requested relief. Defendants shall have until January 7, 2009, to file a motion for reconsideration, which shall not exceed twenty (20) pages. Plaintiffs' response shall be due twenty (20) days after service of Defendants' motion for reconsideration and shall not exceed twenty (20) pages. Defendants' reply shall be due ten (10) days after service of Plaintiffs' response and shall not exceed ten (10) pages. The parties will not seek extensions of the above schedule and will enter into an agreement for tolling of the statute of limitations for opt-in claims from December 18, 2008, until the Court's ruling on Defendants' motion for reconsideration. If the Court denies Defendants' motion for reconsideration, the deadline for Defendants' production of worker names and addresses will be three (3) days after the Court's ruling and the tolling of the statute of limitations will continue until that date or the date of Defendants' production, whichever is later.

SO ORDERED, this the 22nd day of December, 2008

s/Hugh Lawson
HUGH LAWSON, Judge

dhc